

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed March 7, 2005 (the "Office Action"). At the time of the Office Action, Claims 1, 6-22, and 26-45 were pending in the present application. The Examiner rejected Claims 1, 6-22, and 26-45. Applicants respectfully request reconsideration and allowance of all pending claims.

**Section 102 Rejections**

Claims 1, 6-14, 19-22, 26-30, and 35-45 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,864,854 issued to Boyle ("*Boyle*"). Applicants respectfully traverse these rejections for the reasons stated below.

In order to establish a *prima facie* case of anticipation, all the elements of the claimed invention must be found within a single prior art reference. *Dewey & Almy Chemical Co. v. Mimex*, 124 F.2d 986, 52 USPQ 138 (2d Cir. 1942). Applicants respectfully submit that each and every element of Claims 1, 6-14, 19-22, 26-30, and 35-45 are not found within the *Boyle* reference.

Claim 1 recites:

A method for community data caching comprising:  
generating a cache community, the cache community having a plurality of cache shares, each cache share associated with one or more locator identifiers;  
establishing a primary distribution of the plurality of cache shares using the locator identifiers, the primary distribution indicating a first allocation of the plurality of cache shares among a plurality of clients;  
establishing a secondary distribution of the plurality of cache shares using the locator identifiers, the secondary distribution indicating a second allocation of the plurality of cache shares among the plurality of clients to be used in place of the primary distribution in response to a trigger occurrence;  
intercepting a request for content at a cache module;  
determining a cache share responsible for the request, the cache share being associated with the cache community;  
determining whether the content associated with the request is available at the cache share;  
retrieving the content associated with the request from the cache share when the content associated with the request is available at the cache share; and  
retrieving the content associated with the request from an origin server when the content associated with the request is

unavailable at the cache share and storing the content associated with the request retrieved from the origin server at the cache share.

Applicants submit that *Boyle* fails to teach, suggest, or disclose each and every element of Claim 1. Specifically, *Boyle* fails to teach, suggest, or disclose “establishing a primary distribution of the plurality of cache shares . . . indicating a first allocation of the plurality of cache shares among a plurality of clients” and “establishing a secondary distribution of the plurality of cache shares . . . indicating a second allocation of the plurality of cache shares among the plurality of clients to be used in place of the primary distribution in response to a trigger occurrence” (emphasis added).

The Examiner contends that *Boyle* discloses such primary and secondary distributions. However, the “primary” and “secondary” distributions the Examiner identifies are actually hierarchical groups, such that the secondary distribution (*i.e.*, the second level group 84a) contains clients that are not included in the primary distribution (*i.e.*, the first local group 82a). *Boyle*, col. 6, l. 59 - col. 7, l. 17. Thus, these first and second level groups are not primary and secondary distributions as required by Claim 1. Rather, first level group 82a and second level group 84a are actually two different cache communities rather than two different distributions of cache shares within the same cache community. For at least this reason, *Boyle* fails to teach, suggest, or disclose each and every limitation of Claim 1. Therefore, Applicants submit that the rejection of Claim 1 is improper, and respectfully request that the rejection be withdrawn.

Similarly, Claims 22 and 41 each recite a system for community data caching comprising an application stored in computer readable memory operable to “establish a primary distribution of the plurality of cache shares . . . indicating a first allocation of the plurality of cache shares among a plurality of clients” and “establish a secondary distribution of the plurality of cache shares . . . indicating a second allocation of the plurality of cache shares among the plurality of clients to be used in place of the primary distribution in response to a trigger occurrence.” Therefore, for the same reasons discussed above in regard to Claim 1, Applicants submit that Claims 22 and 41 are also patentable over *Boyle*, and request that the rejections of Claim 22 and 41 be withdrawn.

Likewise, Claim 38 recites a method for community data caching comprising “establishing a primary distribution of the plurality of cache shares . . . indicating a first allocation of the plurality of cache shares among a plurality of clients” and “establishing a secondary distribution of the plurality of cache shares . . . indicating a second allocation of the plurality of cache shares among the plurality of clients to be used in place of the primary distribution in response to a trigger occurrence.” Therefore, for the same reasons discussed above in regard to Claim 1, Applicants submit that Claim 38 is also patentable over *Boyle*, and request that the rejection of Claim 38 be withdrawn.

Similarly Claims 44 and 45 each recite a system for community data caching comprising “means for establishing a primary distribution of the plurality of cache shares . . . indicating a first allocation of the plurality of cache shares among a plurality of clients” and “means for establishing a secondary distribution of the plurality of cache shares . . . indicating a second allocation of the plurality of cache shares among the plurality of clients to be used in place of the primary distribution in response to a trigger occurrence.” Therefore, for the same reasons discussed above in regard to Claim 1, Applicants submit that Claims 44 and 45 are also patentable over *Boyle*, and request that the rejections of Claims 44 and 45 be withdrawn.

Claims 6-14, 19-21, 26-30, 35-37, 39, 40, 42, and 43 each depend, either directly or indirectly, from Claims 1, 22, 38, or 41. Thus, Applicants respectfully submit that Claims 6-14, 19-21, 26-30, 35-37, 39, 40, 42, and 43 are each patentable over *Boyle*, for example, for the same reasons discussed above with regard to Claims 1, 22, 38, and 41. The rejections of Claims 6-14, 19-21, 26-30, 35-37, 39, 40, 42, and 43 are therefore improper, and Applicants respectfully request that the rejections be withdrawn.

### **Section 103 Rejections**

Claims 15-18 and 31-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Boyle* in view of U.S. Patent No. 6,542,967 issued to Major (“*Major*”). Applicants respectfully traverse these rejections for the reasons stated below.

Claims 15-17 and 31-33 each depend, directly or indirectly, from Claims 1 and 22. Therefore, Applicants submit that Claims 15-17 and 31-33 are also patentable over the cited references, for example, for the same reasons discussed above with regard to Claims 1 and 22, and respectfully request that the rejections of Claims 15-17 and 31-33 be withdrawn.

Claims 18 and 34 each recite "expir[ing] content stored at the cache module using a content expiration protocol, wherein the content expiration protocol comprises the Internet Cache Synchronization Protocol." The Examiner indicates that he believes the Applicants are acting as their own lexicographer when using the term "Internet Cache Synchronization Protocol" ("ICSP"). Office Action, p. 2. However, Applicants are not acting as their own lexicographer in the present application. Instead, ICSP is a specific protocol disclosed in U.S. Patent Serial No. 09/590,760, entitled "Method and System for Content Synchronization," and incorporated by reference in the present application. Application, p. 20, ll. 13-17. Although the references cited by the Examiner do disclose some content expiration functionality, they fail to teach, suggest, or disclose the use of this specific content expiration protocol. For at least this reason, Applicants submit that Claims 18 and 34 are patentable over the cited references, and respectfully request that the rejection of Claims 18 and 34 be withdrawn.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicants



Keiko Ichiye  
Reg. No. 45,460  
Phone: (214) 953-6494

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CORRESPONDENCE ADDRESS:

Customer Number: **05073**  
Attorney Docket No.: 066241.0110